

Message

From: Schaller, Charles [cschaller@bakerdonelson.com]
Sent: 1/2/2020 3:34:56 PM
To: Ramalho, Louis [Ramalho.Louis@epa.gov]
CC: Toffel, Melissa [Toffel.Melissa@epa.gov]
Subject: RE: Easton Point
Attachments: ATT00001.txt

Lou:

Happy New Year to you as well.

I'll be talking to my client about the issues early next week. And I appreciate the payment plan figures. Hopefully I can get back to mid-week and let you know which way this matter will go.

Charles R. Schaller
Of Counsel

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Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
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in Alabama, Florida, Georgia, Louisiana, Maryland, Mississippi,
South Carolina, Tennessee, Texas, Virginia and Washington, D.C.

From: Ramalho, Louis <Ramalho.Louis@epa.gov>
Sent: Thursday, January 2, 2020 10:27 AM
To: Schaller, Charles <cschaller@bakerdonelson.com>
Cc: Toffel, Melissa <Toffel.Melissa@epa.gov>
Subject: RE: Easton Point

Charles: EPA's offer consists of a payment of at least \$60,000 of the total proposed civil penalty of \$138,982; a 57% reduction of the original amount. EPA is willing to provide your client with an installment payment plan over a 12 month period with a 1% interest rate on the outstanding principal balance with an average monthly payment of approximately \$5,050.00 per month. Lou

From: Ramalho, Louis
Sent: Thursday, January 02, 2020 10:24 AM
To: Schaller, Charles <cschaller@bakerdonelson.com>
Cc: Toffel, Melissa <Toffel.Melissa@epa.gov>
Subject: RE: Fails

Happy New Year Charles! I am checking in to see if there is a willingness to accept EPA's offer to settle this matter with your client.

From: Schaller, Charles <cschaller@bakerdonelson.com>
Sent: Wednesday, December 04, 2019 3:26 PM
To: Ramalho, Louis <Ramalho.Louis@epa.gov>
Cc: Toffel, Melissa <Toffel.Melissa@epa.gov>
Subject: RE: Fails

Lou:

Thank you.

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From: Ramalho, Louis <Ramalho.Louis@epa.gov>
Sent: Wednesday, December 4, 2019 3:08 PM
To: Schaller, Charles <cschaller@bakerdonelson.com>
Cc: Toffel, Melissa <Toffel.Melissa@epa.gov>
Subject: FW: Fails

Charles: Your client, Mr. Miller, submitted some additional information to EPA. Below, please find the conclusion of the review of such documents by Ms. Toffel. Lou

From: Toffel, Melissa <Toffel.Melissa@epa.gov>
Sent: Wednesday, December 04, 2019 2:53 PM
To: Ramalho, Louis <Ramalho.Louis@epa.gov>
Subject: FW: Fails

Lou – I reviewed the tank release detection records that Mr. Miller provided on 12/2. Although it is helpful in that they show current compliance, the records provided do not affect our penalty numbers. For one, because our stop date for calculating penalty numbers was in early August and most records provided were for after that time, or were records I already had. And second, one record Mr. Miller provided allowed me to reduce the days of noncompliance on one tank, however, it did not lower the penalty because the days of noncompliance multiplier remained the same because the days still fell within the same bracket for calculating the DNC multiplier.

Mr. Miller provided some information today regarding the “Fail” tank release detection results in February of 2017, however, the information does not cause us to remove those counts or reduce those penalties as it does not sufficiently demonstrate that the “Fails” were investigated/reported.

If you want to meet to go over this, my calendar is up to date for the rest of this month. Thanks,

Melissa Toffel, U.S. EPA Region III
Enforcement & Compliance Assurance Division
Air, RCRA & Toxics Branch
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Philadelphia, PA 19103
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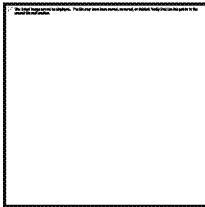
From: Tim Miller [mailto:tmiller@nationalpremiumbeer.com]
Sent: Wednesday, December 04, 2019 7:52 AM
To: Toffel, Melissa <Toffel.Melissa@epa.gov>; Charles Schaller <cschaller@bakerdonelson.com>
Subject: Fails

Of the three fails we have had, all were during extremely slow times and during unusual weather events.

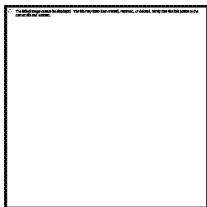
Leak detectors have issues when -

1. They have been inactive.
2. Weather is very cold.
3. Weather has fluctuated greatly

This is common knowledge in the industry, attached are the transactions surrounding the so called fails.



Tim Miller
Owner, 930 Port Street Inc.
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